

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

WOODROW DUNN JR.,

Plaintiff,

v.

No. CV 19-882 JB/CG

NENMDF, et al.,

Defendants.

**ORDER DENYING MOTION FOR APPOINTMENT OF COUNSEL**

**THIS MATTER** is before the Court on the handwritten request for appointment of counsel filed by Plaintiff Woodrow Dunn, Jr. (Doc. 28). In his request, Mr. Dunn explains that because of the amount at issue and the severity of his allegations, he would like court-appointed counsel. (Doc. 28 at 1-2) (explaining his two lawsuits seek damages in the amount of \$1,000,000,000 and \$1,000,000, respectively). In addition, Mr. Dunn explains he cannot afford to retain a private attorney. *Id.*

There is no right to appointment of counsel in a civil rights case. Instead, the decision whether to request assistance of counsel rests in the sound discretion of the Court. *Beaudry v. Corrections Corp. of America*, 331 F.3d 1164, 1169 (10th Cir. 2003); *MacCuish v. United States*, 844 F.2d 733, 735 (10th Cir. 1988). In determining whether to appoint counsel, the district court should consider the merits of the litigant's claims, the nature and complexity of the factual and legal issues, and the litigant's ability to investigate the facts and to present his claims. *Hill v. SmithKline Beecham Corp.*, 393 F.3d 1111, 1115 (10th Cir. 2004).

The Court has reviewed the Complaint and subsequent filings in light of the foregoing factors. Mr. Dunn appears to understand the issues in the case and to be

representing himself in an intelligent and capable manner. See (Doc. 1-1 at 4) (explaining this lawsuit is based on violations of his First Amendment right to freedom of speech); (Doc. 31 at 1-2) (seeking damages for violations of his First Amendment right to freedom of religion). Accordingly, the Court finds the circumstances and the nature of this case do not warrant the appointment of counsel. See *Lucero v. Gunter*, 52 F.3d 874, 878 (10th Cir. 1995).

**IT IS THEREFORE ORDERED** that the request for appointment of counsel filed by Plaintiff Woodrow Dunn, (Doc. 28), is **DENIED**.

**IT IS SO ORDERED.**

A handwritten signature in black ink, appearing to read 'Carmen E. Garza', written over a horizontal line.

THE HONORABLE CARMEN E. GARZA  
CHIEF UNITED STATES MAGISTRATE JUDGE